

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS KIRACOFE,

Petitioner,

VS.

DISCIPLINARY HEARING OFFICER
LIVINGSTONE,

Respondent.

No. 05-2084-M1/P

ORDER OF DISMISSAL

Petitioner Thomas Kiracofe, Bureau of Prisons ("BOP") inmate registration number 16235-076, who was, at the time he commenced this action, an inmate at the West Tennessee Detention Facility ("WTDF") in Mason, Tennessee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on February 2, 2005. The Court issued an order on February 23, 2005 directing the petitioner, within thirty (30) days, to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the habeas filing fee. Because the mailing label for the Court's order incorrectly listed the address of the WTDF as Memphis, rather than Mason, it was returned by the post office on March 1, 2005 as undeliverable. The clerk re-mailed the order, bearing the correct address, on March 4, 2005, and it was returned by the post office on March 15,

2005 with the notation that the petitioner was no longer at the WTDF. In the meantime, the clerk docketed a letter from Kiracofe on March 7, 2005, which was dated February 14, 2005, stating that he had been transferred to the Federal Correctional Institution in Pekin, Illinois ("FCI-Pekin"). The Court issued an order on May 9, 2005 that, inter alia, corrected the petitioner's address and extended the time for compliance with the February 23, 2005 order. That order was returned by the post office on May 24, 2005 with a notation that the envelope was "undeliverable as addressed" and the facility was "unable to forward." A second copy of the order, which was mailed on May 13, 2005, was also returned on June 16, 2005. To date, Kiracofe has not advised the Court of his current address.¹

The most basic responsibility of a litigant is to advise the Court of his current address. In light of the time that has elapsed since the petitioner has been released and his failure to communicate with the Court during that time, the Court DISMISSES this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 17th day of January, 2006.

/s/ Jon P. McCalla
JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

¹ Someone at FCI-Pekin apparently wrote a forwarding address, of a hotel in Memphis, on the envelope that was returned on June 16, 2005. It is not clear from the envelope whether the post office attempted to deliver the order to the forwarding address. In any event, the fact that Kiracofe may have been in Memphis for approximately six months and has made no effort to provide the Court with a forwarding address indicates that he is no longer interested in the outcome of this petition.